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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/4/18

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APPLICATION DENIED

Barbara Moses, U.S.M.J.

10/4/18

September 20, 2018

The Honorable Barbara Moses
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

Re: Seidman v. Gax Productions LLC – Docket No.1:18-cv-2048

Dear Judge Moses:

This Letter Motion is to request an informal pre-motion conference regarding Plaintiff's failure to comply with Court's September 6th Order and Defendant's request for sanctions. According to the September 6th Order, Plaintiff was to:

- "[P]roduce all remaining non-privileged documents responsive to [Document] Requests No. 1-5"; and
- Serve "a privilege log in compliance with Local Civil Rule 26.2" if any discoverable documents continued to be withheld on the basis of privilege.

In two submissions after the September 6th Order, Defendant failed to produce all non-privilege documents responsive to Requests No. 1-5 and/or withheld documents on the basis of privilege without serving a privilege log. Finally, on September 18, 2018, in her Fourth Amended Responses to Document Requests, the Plaintiff responded to all Interrogatories that "There are no privileged documents responsive to this request".

In the meantime, Defendant was forced to meet and confer twice, file two additional letters with the Court, review two of Plaintiff's deficient responses, and write a second deficiency letter to the Plaintiff.

A copy of this Letter Motion including a Statement of Fees was sent to Plaintiff's counsel on September 19th to inquire whether Plaintiff would agree to payment of fees without filing this Letter Motion. Defendant asked if Plaintiff would like to meet and confer, and asked that Plaintiff respond by the end of business, September 20th. Plaintiff responded, questioning why this letter was necessary since "There were no privileged documents". Defendant responded with reference to the Court's September 17th Order and the events that followed. Exhibit 1.